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Attorneys for Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CYNTHIA A. DEMELLO,
Plaintiff,
v.
JO ANNE B. BARNHART,
Commissioner of Social Security,
Defendant.

} CIVIL NO. 06-04711 MHP
}
} STIPULATION AND ORDER EXTENDING
} DEFENDANT'S TIME TO FILE
} RESPONSE TO PLAINTIFF'S
} MOTION FOR SUMMARY JUDGMENT
}

IT IS HEREBY STIPULATED by and between the undersigned attorneys, subject to the approval of the Court, that defendant Commissioner may have an extension of 30 days in which to file her response to plaintiff's motion for summary judgment.¹ Defendant's response was due on January 22, 2007, pursuant to Civil L.R.16-5. Defendant's response is now due on February 21, 2007.

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¹ See attached Declaration of Jaime Preciado.

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2 This is defendant's second request.
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5 Dated: January 19, 2007

/s/ Barbara M. Rizzo
(As authorized via Fax on January 19, 2007)
BARBARA M. RIZZO
Attorney for Plaintiff

KEVIN V. RYAN
United States Attorney

10 Dated: January 19, 2007

11 By: /s/ Jaime L. Preciado
JAIME L. PRECIADO
Special Assistant United States Attorney

13 PURSUANT TO STIPULATION, IT IS SO ORDERED:

17 Dated: Jan. 24, 2007


18 MARILYN HALL PATEL
United States District Judge

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CYNTHIA A. DEMELLO,
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JO ANNE B. BARNHART,
Commissioner of Social Security,
Defendant. } CIVIL NO. 06-04711 MHP
} DECLARATION OF JAIME L. PRECIADO
} IN SUPPORT OF DEFENDANT'S REQUEST
} FOR EXTENSION OF TIME

I, Jaime L. Preciado, declare and state as follows:

1. I am an Assistant Regional Counsel in the Office of the General Counsel for the United States Social Security Administration, Region IX.

2. I am requesting a 30-day extension for filing Defendant Commissioner's response to Plaintiff's motion for summary judgment in order to file a motion for remand in this case. On January 18, 2007, I spoke with Plaintiff's counsel, and although it was agreed that remand was necessary, the language and reasons for a stipulated remand could not be agreed upon. Therefore, a motion for remand is necessary. Plaintiff's counsel agreed to allow Defendant a 30 day extension in order to file the motion.

1 I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

2 Executed in San Francisco, California on January 19, 2007.

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5 By /s/ Jaime L. Preciado

6 Jaime L. Preciado

7 Special Assistant United States Attorney

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